



## UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/136,954	08/19/98	AZIZ	A SUN1P342R

022434  
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TM02/0111

EXAMINER	
SEAL, J	
ART UNIT	PAPER NUMBER

2131

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No. 09/136,954	Applicant(s) Aziz Et. Al.
Examiner James Seal	Group Art Unit 2766



Responsive to communication(s) filed on 8 Sep 2000

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claim

Claim(s) 1-73 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) 1-31, 34-39, 54-59, and 69-73 is/are allowed.

Claim(s) 32, 33, 40-53, and 60-68 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. The prior actions are incorporated herein by reference. In particular, the observations with respect to claim language, and the response to previously presented arguments.
3. Amended claims 20, 44, 60, 64, and 67, received 8 September 2000 have been approved and entered.
4. Claims 1-73 are pending.

### ***Docketing***

5. Please note that the application has been redocketed to a different examiner. Please refer all future communications regarding this application to the examiner of record, using the information supplied in the final section of the office action.

### ***Claim Rejections- 35 U.S.C. 251***

6. Claims 40-53 and 60-68 rejected under 35 U.S.C. 251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based. As stated in Ball Corp. V. United States, 221 USPQ 289, 295 (Fed Cir 1984).
7. The following is repeated from last office action in order to respond to applicant's arguments.

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8. In response to the art rejection in the parent case, (paper # 10, dated 21 December 1995)

Applicant added the following language to claims 6 and 14 respectively:

9. Claim 6: (column 18, lines 61-64 of the '646 patent)

"generating a new address header and appending said new address header to said first data packet, thereby generating a modified first data packet"

Claim 14: (column 20, lines 21-22 of the '646 patent)

"generating a new address header for said first data package"

Furthermore , claims 16 and 17 newly presented as part of the aforementioned response each contained this feature, and Applicant's arguments (page 5) rely on the new header for overcoming the art rejection.

10. The applicant argues that claims to decryption need not recite the generation of a new address header and pages 22 and pages 23 of 9 September correspondence the applicant further recites a case in which decryption would require a second header, but the replacement of the old header with a new header.

11. The argument of the applicant provides a situation in which recapture would be avoided under present claim language, but it does not exclude recapture based on previous response.

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***Claim Rejections - 35 USC § 112***

12. Rejection of claims 1, 11, 18, 20, 22, 44, 54, 61, and 65 under 35 U.S.C. 112 are withdrawn.

***Claim Rejections - 35 USC § 102***

13. Rejection of claim 32-33, 40-41, 44-53 under 35 U.S. C. 102 (b) as being anticipated by White (WO 92/02095) is maintained. This is the priority document of White ('303) which is already of record. The rejection is made on WO publication because of its earlier date.

14. Applicant's response is that White identifies site address as a node rather than a "broadcast address".

15. The ESA is the host address, and the site address (for entry into the WAN) is a network address which is the same as "broadcast address" as defined in applicant discloser. Broadcast address refers to all host on the network.

16. Rejection of claim 1-73 under U.S.C. 102(e) as anticipated by Adams Jr. et. al. are withdrawn.

17. All claims not specifically mention but that are dependent on rejected claims are objected to by their dependency.

***Allowable Subject Matter***

18. Claims 1-31, 34-39, 54-59, and 69-73 are allowable over the prior art of record.

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19. The following is a statement of reasons for the indication of allowable subject matter:
20. In claim 7 a second table stored in said second memory is not present in Adams. Further Adams, et. al. Specifically require that the gateway (CNEDD) address is provided in the packet header and further Adams neither discloses nor suggests determining whether a data packet is encrypted based upon broadcast addresses of source and destination which are provided in the packet header.

*Conclusion*

21. Any inquiry concerning this communication should be direct to James Seal at telephone number (703) 308 4562. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 5:30 p.m.
22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gail Hayes, can be reached at (703) 305-9711.
23. Any inquiry of a general nature or relating to the status of this application or preceding should be directed to the Group receptionist, whose telephone number is (703) 305-3800. Fax number is (703) 305 0040.

James Seal

*James Seal*

29 December 2000

*Gail Hayes*

GAIL HAYES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100